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COPY
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STARK COUNTY AUDITOR

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July 7, 2005

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Kim Perez
Stark County Auditor
110 Central Plaza S., Suite 220
Canton, OH 44702-1410

Re: Electronic transactions involving county offices
Our file no. M101.00257

Dear Mr. Perez:

You have asked whether the Uniform Electronic Transactions Act, R.C. Chap. 1306. ("UETA"), and the provisions for filing electronic records and signatures, R.C. Chap. 304., apply to the county auditor. These provisions were added or amended by 2004 H.B. 204, eff. Nov. 5, 2004, and they provide that a properly authenticated and verified electronic filing "shall have the same force and effect as a filing made on paper" (§304.03(A)). Both the UETA and Chap. 304 apply to "any officer, department, board, commission, agency, court, or other instrumentality of a county." R.C. §§304.01(B), 1306.16(D)(3). Accordingly, these statutes apply to the county auditor.

You have asked specifically how these provisions may affect "electronic transfers and escrow account payments" for the county auditor. However, H.B. 204 did not did not address financial transactions, or provide any greater authority with respect to the handling of county funds or payment of county expenses. In particular, the use of a "financial transaction device" – i.e. a credit card, debit card, charge card, or prepaid or stored value card – for the acceptance of payments for county expenses is not enlarged or otherwise affected by these amendments. §304.03(B), (C). These financial transactions remain as limited by §301.28 (generally) and §955.013 (dog registration and kennel fees).

If you have any questions concerning this opinion letter, or if you have additional information you feel may be relevant, please do not hesitate to contact me.

Very truly yours,

Ross Rhodes
Assistant Prosecuting Attorney

cc: David Maley